

**MEMO ENDORSED**



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The Hon. Sylvia O. Hinds-Radix  
Corporation Counsel

**THE CITY OF NEW YORK**  
**LAW**  
**DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

Martha Nimmer  
Special Assistant Corporation Counsel  
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June 5, 2023

**VIA ECF**

Hon. Valerie E. Caproni  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *R.R. v. N.Y.C. Dep't of Education*, 23-cv-4494 (VEC)

Dear Judge Caproni:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §1400, *et seq.*, as well as for this action.

I write to respectfully request i) a 90-day extension of the answer filing deadline, from June 20, 2023 to September 20, 2023, and ii) that the August 18, 2023 conference be adjourned *sine die*, with a status letter due by October 19, 2023. Plaintiff consents to these requests. This is the first request for an answer extension and the first request to adjourn the initial conference *sine die*. The requested extension will give Defendant time to review Plaintiff's billing records once they are received, prepare a request for authority to the Office of the NYC Comptroller and then make an initial settlement offer to Plaintiff. The parties believe that they will resolve this matter either via settlement or through a motion for fees, thus obviating the need for an initial conference. The parties are hopeful that they can settle this matter without further burden on the Court's time.

Accordingly, Defendant requests that the answer filing deadline be extended to September 20, 2023, and that the August 18, 2023 initial conference be adjourned *sine die*, with a status letter due by October 19, 2023.

Thank you for considering these requests.

Respectfully submitted,

/s/

Martha Nimmer  
Special Assistant Corporation Counsel

cc: Kevin Mendillo, Esq. (via ECF)

Application GRANTED. The deadline for Defendant to answer or otherwise respond to the Complaint is hereby extended to **Wednesday, September 20, 2023**. The Initial Pre-Trial Conference scheduled for Friday, August 18, 2023 at 10:00 A.M. is hereby adjourned *sine die*. Not later than **Thursday, October 19, 2023**, the parties must submit a status update to the Court. Plaintiff is encouraged promptly to file proof of service on the docket.

SO ORDERED.

 06/05/2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE